

March 22, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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DECISION ON REQUESTS FOR RECONSIDERATION OR CLARIFICATION

SUBJECT: Department of Development and Environmental Services File No. **L97VA003**

EUGENE MOREL
Zoning Variance Decision Appeal

Location: 2931 East Lake Sammamish Parkway SE

Property Eugene Morel
Owner: 6232 - 146th Street SW
Edmonds, WA 98026

Applicant/ Eugene Morel, *represented by*
Appellant: Joel Haggard, Attorney At Law
1200 Fifth Avenue, Suite 1200
Seattle, WA 98101
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AMENDMENT/CLARIFICATION OF EXAMINER'S DECISION

Having reviewed my March 9, 1999 *Decision on Requests for Reconsideration or Clarification*, and having compared it to the record upon which it was based, I have concluded that condition 1.C, regarding the front yard setback for the resident's portion of the proposed Morel building is in error. Condition 1.C requires a setback of 2 ½ feet. Examination of the record, as well as the Applicant's February 10, 1999 Supplemental Request for Reconsideration indicates that the setback for the resident's portion of the building has been agreed upon by the parties to be **2 feet**. The hearing record contains absolutely no argument or evidence presented which might suggest that any other solution was sought by anyone in this proceeding. For that reason, the Examiner's *Decision on Requests for Reconsideration or Clarification*, dated March 9, 1999, is amended as indicated below. Because this action constitutes a substantive change to the decision, even if only a 6" setback change, a new appeal period also is established below.

Except as modified by the preceding text above and by the Examiner's March 9, 1999 *Decision on*

Requests for Reconsideration or Clarification, the findings contained in the Examiner's February 4, 1999 Decision on this matter are adopted and incorporated here.

Except as modified by the preceding text above, and by the conclusions contained in the Examiner's *Decision on Requests for Reconsideration or Clarification* dated March 9, 1999, the conclusions contained in the Examiner's February 4, 1999 Decision are adopted and incorporated here.

AMENDED RECONSIDERED DECISION

The variance from the setback standards of the R4P zone classification requested by Gene Morel is APPROVED; SUBJECT to the following conditions:

1. The minimum setback from the east property line shall be as follows:
 - A. For the garage, five feet.
 - B. For the workshop area located north of the two-car garage, three-and-one-half feet.
 - C. For the residence portion of the building located south of the two-car garage area, ((two and one half)) two feet.
- 2A. A hammer-head turnaround, or equivalent public safety measure as approved by Parks Department and a KCDOT traffic engineer pursuant to special use permit review, shall be installed as indicated in attachment C. of the Examiner's February 4, 1999 Decision, before occupancy inspection.
- 2B. Bollards, or an equivalent public safety measure as approved by the Parks Department and a KCDOT traffic engineer pursuant to special use permit review, shall be installed as indicated in attachment D. of the Examiner's February 4, 1999 Decision, before occupancy inspection.
- 2C. A covenant which prohibits parking or outdoor storage within the hammer-head area shall be recorded before building permit issuance.
3. Approval of this variance does not authorize any alteration or improvement of abutting King County owned property. See also condition No. 4, following.
4. Before building permit issuance, the Applicant shall obtain a special use permit (KCC 14.03) from the King County Department of Parks and Recreation for crossing abutting King County owned property.
5. An automatic garage door opener shall be installed on the proposed garage door before final occupancy inspection.
6. The development of this project is subject to all rules, regulations, policies and codes that are not specifically modified by this approval.
7. There shall be no subsequent modification of structural location following decision or settlement of any litigation regarding disputed boundaries between Applicant Morel and King County.

ORDERED this 22nd day of March, 1999.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 22nd day of March, 1999, to the following parties and interested persons:

Daryl Deutsch	Steve Negri	Tracy Daniels
Gene Duvernoy	Kim Schademan	David Eldred
Terry Gibson	Richard Schroeder	Jennifer Knauer
Joel Haggard	Charlene Tagas	Aileen McManus
Patrick Lathrop	Fred Wert	Sherie Sabour
Eugene Morel	Greg Borba	Michael Salmon

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding appeals from decisions on applications for variance. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of this reconsidered Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)